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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

Forty-third session

SUMMARY RECORD OF THE 35th MEETING
(SECOND PART*)

Held at the Palais des Nations, Geneva,
on Thursday, 29 August 1991, at 3 p.m.

Chairman: Mr. TURK

later: Mr. JOINET

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* The summary record of the first part of the meeting appears as document E/CN.4/Sub.2/1991/SR.35.

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1. Mrs. DAES congratulated Mrs. Ksentini on her preliminary report on human rights and the environment (E/CN.4/Sub.2/1991/8). Thanks to its excellent methodology and structure, the report provided a precise analysis of relevant concepts. The provisions of various international human rights instruments relating to the environment and the references to certain national constitutional provisions were also of great interest.

2. Section A of chapter II of the report, which referred to indigenous peoples' rights and the environment, was of particular interest to the members of the Working Group on Indigenous Populations and to the Preparatory Committee for the United Nations Conference on Environment and Development. She suggested that the report and any relevant resolution which the Sub-Commission might adopt should be submitted to the Preparatory Committee. Many indigenous peoples' non-governmental organizations had drawn the attention of the Working Group on Indigenous Populations to the continued threats to their environment, and had stated inter alia that nuclear and toxic waste continued to be dumped on their land, with which they had not merely a physical, but also a spiritual relationship. The indigenous peoples' request that the international community should consider them as partners in considering plans and projects relating to ecosystems, the environment and development deserved every attention.

3. She fully supported the preliminary conclusions contained in paragraphs 95-105 of the report and wished the Special Rapporteur every success in her future work.

4. She also extended her warm congratulations to Mr. van Boven on his progress report on compensation for victims of gross violations of human rights (E/CN.4/Sub.2/1991/7). She had on many occasions emphasized the importance of the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and was particularly pleased to read the parts of the report which addressed the relevant decisions and views of international human rights bodies, including in particular the Human Rights Committee. She suggested that the Special Rapporteur might also take into consideration the decisions adopted by the European Court of Human Rights, the European Court of Justice and certain ad hoc decisions taken by peoples' tribunals.

5. Mrs. WARZAZI thanked the NGOs and the Secretariat for their valuable help in preparing her report on traditional practices affecting the health of women and children (E/CN.4/Sub.2/1991/6). She said that it had not been her intention to make recommendations regarding legislation concerning traditional practices affecting the health of women and children, but that she had merely transmitted the recommendations made by the regional seminar, which were intended to help point the way to Governments, who were ultimately responsible. She personally advocated more stringent measures if, in spite of Governments having done all they could to create an awareness of the problem,

people persisted in harmful traditional practices. Information campaigns were of great value and should be a first step before the adoption of the relevant laws.

6. She hoped that the Centre for Human Rights would devote attention to the question of traditional practices, that it would take note of the recommendations made by the regional seminar and make its own valuable contribution to the efforts under way in that field.

7. Mr. van BOVEN said, with regard to the issue of State responsibility, that in his preliminary report (E/CN.4/Sub.2/1990/10) he had devoted some attention to the question, and would develop it further. He was grateful to Mr. Al-Khasawneh for drawing attention to more recent developments within the International Law Commission that were of relevance to his report, and to Mr. Chernichenko for his interesting observations and for raising the question of what kind of gross violation could be imputed to Governments. In the previous year's report he had briefly addressed the question of gross violations committed in situations not under the control of Governments or by individuals not acting on behalf of a State. In that respect he had observed that a State's responsibility might arise if it had failed to exercise due diligence.

8. He thanked Mrs. Warzazi for her comments and for drawing his attention to certain international standards and to the need for further precision, which he hoped he would be able to satisfy.

9. Mr. Despouy had raised the matter of follow-up which was a subject of keen interest to him and which he had addressed in his progress report (E/CN.4/Sub.2/1991/7). He would ensure that it received due attention when he prepared his conclusions and recommendations. As to whether the question of compensation for victims of gross violations of human rights should be dealt with by an international convention, he had not yet come to the conclusion that such a convention was required. He hoped that in his future work he would be able to count on greater assistance and collective efforts, and said that he would bear in mind the methodological suggestions made by Mr. Eide. Although he had not wished to draw any explicit conclusions at that stage in his work, the careful reader could find a number of implicit ones. Lastly, he thanked Mrs. Daes for her remarks concerning the need to consider case-law of relevance to his report, and said that it was one of the tasks that lay ahead for him. Finally, he concurred with the representative of War Amputations of Canada about the importance of individuals or groups having the right to claim compensation from States before domestic or international tribunals.

10. Mrs. KSENTINI, responding to some of the many constructive comments made on her preliminary report by members of the Sub-Commission and by NGOs, said that she agreed with the observation that the report (E/CN.4/Sub.2/1991/8) ought to address not merely the question of survival, but the fundamental question of the right to life. She highly valued Mrs. Daes' support and appreciated the interesting comments by Mr. Eide, in particular those relating to conceptual aspects. She noted that he seemed unconvinced that there was a human right to the environment, although his recognition that certain human

rights, such as the right to health, required a satisfactory environment in order to exist was an implicit recognition of such a right, which was also implicitly recognized by many international provisions and regulations.

11. She invited the members of the Sub-Commission to reflect on the important question of responsibility for protecting the right to the environment, and said that she had not yet addressed the issue as before doing so she first had to finalize the conceptual aspects of her report.

12. She assured Mr. Tian Jin that she would take due account of the point he had made regarding the developing countries, and thanked Mr. Al-Khasawneh for drawing attention to the difficulty of repairing environmental damage and to the vital importance of prevention. In her conclusions, she had noted that the right to compensation should be seen from the standpoint of the obligation to prevent environmental damage, which she hoped Mr. van Boven would take into account when considering the question of compensation.

13. Mr. Despouy had rightly pointed out the importance that should be attached to the question of war; that the tremendous implications of that aspect had prevented her from taking it up in her study, although she intended to give it due attention in the future. She agreed that there was an international aspect to environmental problems and that emphasis had to be placed on the preservation of the environmental heritage for future generations.

14. She was gratified by Mr. Khalil's encouragement and support and for his sharing of many of the concerns expressed in her report. In reply to Mr. Maxim, she said that many of the concerns expressed by him, in particular the question of transboundary aspects of environmental problems, were actually addressed in the report. Although she recognized the principle of international solidarity, she had reservations about the concept of responsibility for environmental risk and the duties of conservation, preservation and prevention.

15. Mr. JOINET said that he and Mr. Türk had been extremely gratified to deal with what had proved to be an extremely exciting subject, of great relevance to the current historical period. The stimulating debate on the report (E/CN.4/Sub.2/1991/9) had begun even before the current session of the Sub-Commission and had involved the Sub-Commission's members, Governments and NGOs.

16. Although some reservations had been expressed about the approach adopted in the report, and the authors had even been accused of wishing to restrict freedom, he assured the members of the Sub-Commission that both of the report's authors considered themselves champions of freedom, and had only supported the concept of admissible restrictions to freedom of expression and opinion within the context of a democratic society, and in the spirit of article 29 of the Universal Declaration of Human Rights. There were two main trends regarding freedom of opinion and expression. The first trend considered them to be absolute rights from which there could be no derogation whatsoever, while the second regarded them as relative rights and held that the main problem was ensuring that the necessary limitations did not prejudice freedom itself. The debate had been marked by that dichotomy. There was no

State in the world, however democratic, that had no restriction whatsoever on freedom of opinion and expression. In answer to those who thought that freedom of expression was absolute, he recalled that in the midst of the great upheavals in the USSR, at the time of the putsch, Mr. Yeltsin had been compelled to suspend most of the media, precisely to defend democracy. In Mr. Joinet's view, that measure had been justified by the duty of Mr. Yeltsin to defend democracy in those difficult times.

17. The report prepared by himself and Mr. Türk was a tool to help better to understand such situations, and to pave the way towards the greatest possible freedom of opinion and expression.

18. A useful remark had been made about the profession of journalist. In his comments in paragraph 26 of the report on the need to protect journalists, he had, of course, been referring to professional journalists. After weighing up the pros and cons of an international convention to protect journalists in the field, he had come to the conclusion that such a convention would probably prove impractical, as would the charter of the rights and duties of journalists proposed by one NGO.

19. Despite the requests made by many members of the Sub-Commission, he was himself unsure whether the report should be continued. It might be possible to lay down the foundations of an instrument to combat restrictions on freedom of expression, which might encompass the freedom of professional journalists, or alternatively the question could be taken up within the Working Group on Arbitrary Detention.

INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE (agenda item 14)
(E/CN.4/Sub.2/1991/32)

20. Mr. ALFONSO MARTINEZ, supported by Mr. DESPOUY, Mrs. DAES, Mr. AL-KHASAWNEH, Mrs. WARZAZI, Mr. SACHAR and Mrs. KSENTINI, proposed that in view of the insufficient time for a full debate on the valuable working paper prepared by Mr. Bhandare (E/CN.4/Sub.2/1991/32), the discussion on it should be postponed until the following year.

21. Mr. BHANDARE thanked the members of the Sub-Commission for the appreciation they had expressed of his working paper. The implications of the momentous changes taking place throughout the world for the enjoyment of human rights merited discussion in greater depth, and he looked forward to a far-reaching discussion on the subject the following year.

22. The CHAIRMAN said that, if there was no objection, he would take it that the Sub-Commission wished to postpone discussion of Mr. Bhandare's working paper (E/CN.4/Sub.2/1991/32) until the following year.

23. It was so decided.

THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY (agenda item 19) (continued) (E/CN.4/Sub.2/1991/WP.4; E/CN.4/Sub.2/1991/NGO/25; E/CN.4/Sub.2/1990/47 and 48)

24. Mr. EIDE, introducing the report of the Working Group on a draft declaration on freedom and non-discrimination in respect of the right of everyone to leave every country, including his own, and to return to his country (E/CN.4/Sub.2/1991/45), said that in spite of the limited time available at the current session for discussion within the Working Group, it had been possible to pinpoint the controversial issues that arose in respect of the draft declaration, and which were summed up in paragraph 15 of the report. Those issues would have to be resolved if the Working Group was to proceed further. The Group had drafted a decision (E/CN.4/Sub.2/1991/L.65) in which it drew the attention of the Commission to those issues and asked for the guidance it needed before it could address the technical questions connected with the drafting of the declaration. The draft decision also requested the Commission to consider the possibility of inviting the Economic and Social Council to authorize the convening of the Working Group for an inter-sessional meeting to accelerate the drafting of the draft declaration. The inter-sessional meeting should be prior to, but not immediately before, the Sub-Commission's forty-fourth session.

25. Mrs. KSENTINI said that the issue of freedom of movement and the right to enter and leave one's own country had evolved considerably as a result of the ending of the East-West conflict. However, persons in the South who wished to travel to the North still suffered from discrimination, which should be suitably addressed by any draft declaration on the issue. In addition, no draft declaration could ignore the question of the right of the Palestinian people to return to their country.

26. She did not fully agree with the proposal for an inter-sessional meeting of the Working Group, firstly because the problem was not as pressing as in the past and secondly because the proposal ran counter to the request by the Commission on Human Rights for the Sub-Commission to rationalize its work.

27. Mr. Joinet resumed the Chair.

28. Mr. DESPOUY said that momentous changes in the world had affected the rights addressed in the report. There had been a very important development that was related to his earlier remarks concerning asylum seekers: in his view, political asylum was one of the most worrying phenomena on the international scene, and he stressed the need for the Sub-Commission to give it due attention, perhaps by a sub-item under item 19.

29. Mr. EIDE said that he had no objection to including a separate sub-item under item 19 to deal with the question of asylum-seekers, provided a clear distinction was made between that issue and the draft declaration.

30. Mr. LITTMAN (World Union for Progressive Judaism) referred to the continuing restrictions on the right to leave or enter the Soviet Union invoked on the grounds of military secrecy. Despite President Gorbachev's pledge in December 1988 to remove from the agenda the problem of the so-called "refuseniks", there were still a number of individuals who had been refused

permission to leave the Soviet Union, and who were separated from their families, most of whom were currently living in Israel. He referred in particular to the cases of Irina Sokolova, Leonid Magin, Leonid and Olga Zolotarevsky, Alexandre Polakov and Adolf Gorvitz. He said that he would be handing the Soviet delegation files on five other "refuseniks", Yakov Orlov, Valentine Tyles, Mark Osovsky, Yitzhak Mankin and Semyonovich Gomelsky in the hope that they would receive the diligent attention that had been given to most of the humanitarian cases his organization had brought to the attention of the Soviet delegation. He recognized that by the end of 1991 almost half a million Jews would have left the Soviet Union in the course of the previous five years, a positive development which was all the less reason for families to remain disunited because of red tape or anachronistic legislation. He made an urgent appeal to President Yeltsin to sign a decree allowing all the remaining "refuseniks" to leave the Russian Republic, and expressed his conviction that such a measure would undoubtedly receive the personal blessing of President Gorbachev.

31. Finally, he renewed his appeal for the Sub-Commission to request the Syrian Government to allow all Jews who wished to leave Syria to do so, and he called on Syria to start serious peace negotiations at the forthcoming Middle East Peace Conference.

32. The CHAIRMAN said that the Sub-Commission had completed its discussion of all the items on its agenda, with the exception of item 3. He suggested that the meeting should be suspended for five minutes in order to prepare for consideration of draft resolutions and decisions of the Sub-Commission.

The meeting was suspended from 8.10 p.m. to 8.15 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS OF THE SUB-COMMISSION (continued)

Review of further developments in fields with which the Sub-Commission has been concerned (agenda item 4) (continued) (E/CN.4/Sub.2/1991/L.2, L.25, L.28, L.33, L.37, L.43, L.52, L.64 and L.71)

Draft resolution E/CN.4/Sub.2/1991/L.2

33. Mrs. WARZAZI said that the sponsors of the draft resolution would like to insert the words "fuel, air bombs and napalm," after the words "chemical weapons" in operative paragraph 4 (b).

34. Mr. van BOVEN recalled that the Sub-Commission had addressed the issue of chemical weapons and human rights two years previously in connection with the use of chemical weapons by Iraq against its own population, and he wondered whether there was any need for the Sub-Commission to keep the item on its agenda. Despite the moving statement by Mrs. Palley the previous night, he felt that he lacked the necessary technical expertise to assess the substance of the draft resolution. In particular, paragraph 4 (a) requested the Secretary-General to perform a number of tasks, the meaning of which was unclear to him and which he feared might lie beyond the Secretary-General's means. In particular, he asked for an explanation of the meaning of the term "key precursors" employed in that paragraph.

35. Mr. ALFONSO MARTINEZ said that he shared Mr. van Boven's views with regard to paragraph 4 of the draft resolution, and was concerned that the Sub-Commission might be embarking on a subject that did not really come within its terms of reference.

36. Mrs. PALLEY said that the Secretary-General already possessed a wealth of information on chemical weapons that had been prepared subsequent to the Iran-Iraq war, with which it had supplied the Sub-Commission two years previously when the question of chemical weapons had first been raised. The Secretary-General had also set up a group of experts on the subject who had studied the matter in depth. In reply to Mr. van Boven, she said that the term "key precursors" was the correct technical term used to designate the main components of a chemical weapon, and that it was impossible to deal with the topic without using the correct technical terminology, with which members of the Sub-Commission would need to familiarize themselves.

37. Mr. AL-KHASAWNEH said that although his country neither produced nor stockpiled weapons of mass destruction, it was situated in what could be described as a "tough neighbourhood". Although he welcomed the draft resolution, for reasons of survival, he was somewhat disturbed by a certain absence of moral unity of purpose. He could see no reason why the draft resolution excluded from weapons of mass destruction other weapons, especially nuclear weapons. The nature of international law was such that it worked against States that chose to become parties to certain treaties. For example, States parties to the Non-Proliferation Treaty were judged against that yardstick, while non-party States experienced no such censure, a situation that could be described as punishment of the diligent. Asking certain States to deprive themselves of chemical weapons, while others were allowed to keep other weapons of mass destruction seemed contrary to elementary notions of equity. He suggested that the reference in the tenth preambular paragraph to the Convention against Torture, was somewhat inappropriate. Lastly, he felt that the emphasis placed in the draft resolution on supply might favour States that possessed an advanced industry and did not need to import chemical weapons.

38. After a procedural discussion in which Mr. EIDE, Mr. ALFONSO MARTINEZ, Mr. DESPOUY, Mrs. WARZAZI and the CHAIRMAN took part, it was decided to postpone consideration of draft resolution E/CN.4/Sub.2/1991/L.2 until the next meeting.

Draft resolution E/CN.4/Sub.2/1991/L.25

39. Mr. KEILAU (Centre for Human Rights) said that the administrative and programme budget implications of draft resolution E/CN.4/Sub.2/1991/L.25 were set out in paragraphs 7 and 8 of document E/CN.4/Sub.2/1991/L.54.

40. Draft resolution E/CN.4/Sub.2/1991/L.25 was adopted.

Draft resolution E/CN.4/Sub.2/1991/L.28

41. Mr. KEILAU (Centre for Human Rights) said that the administrative and programme budget implications of draft resolution E/CN.4/Sub.2/1991/L.28 were set out in document E/CN.4/Sub.2/1991/L.57 and were estimated at US$ 18,200 for 1992.

42. Mr. GUISSE, Mr. ILKAHANAF and Mr. YIMER asked for their names to be included in the list of sponsors of the draft resolution.

43. Draft resolution E/CN.4/Sub.2/1991/L.28 was adopted.

Draft resolution E/CN.4/Sub.2/1991/L.33

44. Mr. KEILAU (Centre for Human Rights) said that the administrative and programme budget implications of resolution E/CN.4/Sub.2/1991/L.33 would be set out in document E/CN.4/Sub.2/1991/L.61 and were estimated at US$ 20,800 for 1992 and US$ 2,200 for 1993.

45. Mr. ALFONSO MARTINEZ suggested that in line 2 of operative paragraph 3 of the draft resolution the word "further" should be replaced by the word "second".

46. Mrs. KSENTINI asked Mr. van Boven why it was necessary to postpone his final report for two years, and why there was a need for two progress reports.

47. Mr. van BOVEN said that the scope of his study had proved more comprehensive than had originally been envisaged and the Secretariat had only been able to provide him with limited assistance. In addition, he had faced difficulties in collecting information on national practices and felt that he was unable to formulate any conclusions and guidelines before the forty-fifth session of the Sub-Commission. He had no objection to Mr. Alfonso Martínez's proposal regarding operative paragraph 3.

48. Mr. GUISSE and Mr. SACHAR asked to become sponsors of the resolution.

49. Draft resolution E/CN.4/Sub.2/1991/L.33, as amended, was adopted.

Draft decision E/CN.4/Sub.2/1991/L.37

50. Mr. van BOVEN proposed deleting the words "the framework of" and "programme of" from the last lines of the draft decision, which would henceforth read "to give due attention to the working paper in its future work" in order to facilitate its adoption without a vote.

51. Draft decision E/CN.4/Sub.2/1991/L.37, as amended, was adopted.

Draft resolution E/CN.4/Sub.2/1991/L.43

52. Mr. KHALIL asked for his name to be withdrawn from the list of sponsors. He was not entirely happy with some of the wording of the draft resolution, and in particular would have preferred the word "notwithstanding" on the penultimate line to be replaced by the phrase "in violation of".

53. Mr. TURK speaking on a point of order, said that if Mr. Khalil wished to withdraw his name from the list of sponsors, there was no need for him to explain his reasons for doing so.

54. The CHAIRMAN said that although strictly speaking Mr. Türk was right, he would allow Mr. Khalil to take the floor to make his observations on the draft resolution.

55. Mr. KHALIL wondered whether it was wise at that juncture to embark on the formulation of a request for an advisory opinion from the International Court of Justice. Although there was no doubt in his mind that the Security Council resolutions had established the illegality of the settlements, which constituted a serious obstacle to the peace process, he was in some doubt as to the political wisdom of holding a lengthy discussion on the issue. He thought that it would be sufficient to demonstrate that the Sub-Commission attached great importance to it.

56. Mr. van BOVEN said that, after consultations with other sponsors, he wished to make a number of amendments to the draft resolution. In the third preambular paragraph of the draft resolution recommended to the Economic and Social Council, the words "the West Bank, including East Jerusalem, and the Gaza Strip" should be replaced by the words "the territories occupied since 1967"; in the following paragraph the word "resolution" should be replaced by the words "resolutions 446 (1979) and" and the words "the West Bank, including East Jerusalem and the Gaza Strip" should again be replaced by the words "the territories occupied since 1967". In the operative paragraph, in the question within inverted commas, the words "the West Bank, including East Jerusalem and the Gaza Strip" should again be replaced by the words "the territories occupied since 1967", and the word "resolution" should be replaced by "resolutions 446 (1979) and".

57. Mr. SACHAR said that in view of the resolutions already adopted by the Security Council, he could see no point in seeking an advisory opinion from the International Court of Justice; that course of action seemed to be a step backwards and was tantamount to casting doubt on the illegality of a process whose illegal nature had long been established.

58. Mr. AL-KHASAWNEH said that the draft resolution in no way cast doubt on the illegality of the building of Israeli settlements, as was clear from the references to the Security Council resolutions and to the Fourth Geneva Convention. The purpose of the request to the International Court of Justice was to clarify the duties of third-party States regarding the continuation of an illegal situation, and he urged Mr. Sachar to consult Security Council resolution 284 (1970) in which the Council had requested an advisory opinion from the Court on the question of Namibia, and which was the inspiration for the draft resolution under consideration.

59. He informed Mr. Khalil that it was not the first time that the Commission had sought an advisory opinion from the International Court of Justice and said that the clarification of international law was in the interests of all. Lastly, he expressed the hope that it would be possible to adopt the draft resolution by consensus.

60. Mr. CHERNICHENKO drew the attention of the sponsors of the draft resolution to the fact that the question they wished to put to the International Court of Justice was formulated in a manner that possibly went

beyond the mandate of the Sub-Commission. It would perhaps be advisable to add a sentence referring to the issue of human rights, in order to bring the question within the Sub-Commission's mandate.

61. Mr. GUISSE, speaking on a point of order, said that as a sponsor of the resolution, he was inclined to request that its consideration should be postponed until the following day.

62. Mr. TURK proposed that a vote be taken immediately on the resolution.

63. Mr. KHOURY (Observer for the Syrian Arab Republic) said that the issue addressed by the draft resolution was of great concern to his country. His Government considered that the issue was a political one which should be dealt with under agenda item 14, rather than under item 4. The question had been addressed by various Security Council resolutions, which had already clarified the position of all the countries concerned. Accordingly, his Government felt that the proposed draft resolution considerably weakened those Security Council resolutions.

64. Mr. TREAT, endorsed by Mr. MAXIM raised the question of the timeliness of the draft resolution, in view of the peace conference that was due to take place shortly on the Middle East. His own Government had supported Security Council resolutions 242 (1967) and 338 (1974) and had always opposed the settlements on the West Bank.

65. The CHAIRMAN invited the Sub-Commission to vote on the draft resolution.

66. Draft resolution E/CN.4/Sub.2/1991/L.43 was adopted by 10 votes to 4, with 6 abstentions.

67. Mrs. DAES wished to place on record that she had not participated in the vote.

68. Mrs. PALLEY, speaking in explanation of vote, said that the principle of unripe time had been raised earlier by Mr. van Boven in respect of another matter. She felt very strongly that the principle applied to the draft resolution, which was why she had voted against it, in spite of her conviction of the illegal nature of the settlements.

69. Mr. ALFONSO-MARTINEZ said that in the second preambular paragraph of the Spanish text, the word "Subcomisión" should be replaced by the word "Comisión".

Draft decision E/CN.4/Sub.2/1991/L.52

70. Draft decision E/CN.4/Sub.2/1991/L.52 was adopted.

71. Mr. TREAT said that had he been present when draft decision E/CN.4/Sub.2/1991/L.52 had been discussed he would have registered his objection, as he considered that the matter came within the competence of the Security Council.

Draft decision E/CN.4/Sub.2/1991/L.64

72. Mr. KEILAU (Centre for Human Rights) said that the administrative and programme budget implications of draft decision E/CN.4/Sub.2/1991/L.64 would be issued in document E/CN.4/Sub.2/1991/L.73. The relevant figures were US$ 20,500 for 1992 and US$ 4,200 for 1993.

73. Mr. ALFONSO MARTINEZ speaking on a point of order, said that although he had no objection to the financial implications of the draft resolutions being simplified as far as possible, he nevertheless felt that the Sub-Commission should be provided with an itemized list of expenditure.

74. The CHAIRMAN said that the documents containing a detailed breakdown of the expenditure were available to members of the Sub-Commission who should consult them if they required further information.

75. Draft decision E/CN.4/Sub.2/1991/L.64 was adopted.

Draft decision E/CN.4/Sub.2/1991/L.71

76. Draft decision E/CN.4/Sub.2/1991/L.71 was adopted.

The new international economic order and the promotion of human rights (agenda item 7) (continued)

(a) The role and equal participation of women in development (continued) (E/CN.4/Sub.2/1991/L.23)

Draft resolution E/CN.4/Sub.2/1991/L.23

77. Mr. AL-KHASAWNEH, Mr. GUISSE, Mrs. KSENTINI, Mr. MAXIM and Mr. SACHAR asked to be included in the list of sponsors of the draft resolution.

78. Mr. DESPOUY said that Mr. Alfonso Martínez's name, which had been included in the list of sponsors because of a technical error, should be replaced by that of Mr. Ilkahanaf. As the draft resolution had been issued on 21 August 1991, there had been adequate time for those who wished to make any comments to do so. He read out a number of amendments which had been proposed in the period since the draft resolution had been submitted: in the second preambular paragraph, the words "that the establishment of a new international economic order requires" should be replaced by the words "the necessity for", the word "major" should be deleted and the words "economic development" should be replaced by the word "economies". In the third preambular paragraph, the word "systemic" should be replaced by the word "systematic". In the seventh preambular paragraph the words "even indispensable" after the word "necessary" should be deleted, the word "these" should be inserted after the words "removal of" and the words "essential to their development" should be deleted. In the ninth preambular paragraph the word "facilitating" should be replaced by the words "contributing to", and the twelfth preambular paragraph should be deleted. In the operative paragraph of the resolution recommended for adoption to the Economic and Social Council, the last two lines, beginning with the words "and the study of" should be deleted.

79. Mr. GUISSE noted that his own country's legislation used the expression illicit enrichment, and suggested that the words "or illicit" should be inserted after the word "fraudulent" in the expression "fraudulent enrichment of top State officials".

80. The CHAIRMAN announced that Mr. Maxim, Mr. Ilkahanaf, Mr. Sachar, Mrs. Ksentini, Mr. Guissé and Mr. Al-Khasawneh wished their names to be added to the list of sponsors.

81. Draft resolution E/CN.4/Sub.2/1991/L.23, as amended, was adopted.

The realization of economic, social and cultural rights (agenda item 8) (continued) (E/CN.4/Sub.2/1991/L.26, L.34, L.38, L.50 and L.53)

Draft resolution E/CN.4/Sub.2/1991/L.26

82. Mr. KEILAU (Centre for Human Rights) said that the administrative and programme budget implications of the draft resolution were set out in document E/CN.4/Sub.2/1991/L.58. The estimated cost of the consultancy services for the preparation of the fact sheets to be published in the six official languages of the United Nations was US$ 11,000 for 1992. The actual cost of printing had not yet been determined.

83. Mr. van BOVEN said that he was concerned by certain procedural questions connected with the draft resolution. First of all, the right to housing had been a part of the study being carried out by Mr. Türk, and he wondered if it was wise at that stage to elaborate upon part of Mr. Türk's study before the study itself had been completed. Secondly, he was uncertain whether it was possible to guarantee that the Sub-Commission would pay due attention to the working paper requested by the draft resolution in view of the problems it already encountered in discussing the working papers submitted to it for consideration. Finally, operative paragraph 5 of the draft resolution made too explicit a reference to a new international instrument, and seemed to be prejudging the results of the study and of the working paper. He suggested that it would be preferable to make an implicit reference to the desirability of an international instrument in operative paragraph 4.

84. Mr. TURK said that he had made it quite clear in his progress report (E/CN.4/Sub.2/1991/17) that the question of the right to housing would merit special research, whose possible scope he had indicated. He thought that it would be preferable for the Sub-Commission to consider the working paper requested by the draft resolution at its next session, as it had agreed to pay more attention to economic, social and cultural rights in its future work. Lastly, he agreed with Mr. van Boven that it was perhaps premature to discuss the desirability of a new international instrument at that stage.

85. Mr. ALFONSO MARTINEZ speaking on a point of order, said that he did not believe that Mr. van Boven had made a formal proposal and that there was consequently no need for a decision at that stage.

86. Mrs. WARZAZI, Mr. ILKAHANAF and Mr. TIAN Jin proposed that Mr. Sachar should be entrusted with the preparation of the working paper referred to in paragraphs 4 to 7 of the draft resolution and that his name should be inserted in the relevant blanks in those paragraphs.

87. The CHAIRMAN announced that Mr. Maxim, Mr. Guissé and Mr. Heller had also become sponsors of the draft resolution.

88. Draft resolution E/CN.4/Sub.2/1991/L.26, as amended, was adopted.

Draft resolution E/CN.4/Sub.2/1991/L.34

89. Mr. KEILAU (Centre for Human Rights) said that the administrative and programme budget implications of the draft resolution appeared in document E/CN.4/Sub.2/1991/L.62 and that the relevant costs were estimated at US$ 23,500 for 1992.

90. Mr. TIAN Jin, supported by Mrs. KSENTINI, suggested that in view of the considerable controversy surrounding the question of human rights indicators, the eighth preambular paragraph should be deleted.

91. Mr. TURK pointed out that the paragraph in question employed relatively neutral terms. There had indeed been a very critical debate within the Sub-Commission on the question of human rights indicators although, in his view, that was all the more reason to take note of the emergence of interest in the question, and he would prefer the paragraph to be maintained.

92. Mrs. WARZAZI said that in view of the need to draw the attention of the agencies concerned to the mistakes they had made in respect of human rights indicators, the first part of the eighth preambular paragraph could be deleted. The paragraph would thus read: "Taking note of the Human Development Report 1991 of the United Nations Development Programme and the World Development Report 1991 of the World Bank".

93. The CHAIRMAN announced that Mrs. Daes, Mr. Guissé, Mrs. Palley, Mr. Saboia and Mr. Sachar wished to become sponsors.

94. Draft resolution E/CN.4/Sub.2/1991/L.34, as amended, was adopted.

Draft resolution E/CN.4/Sub.2/1991/L.38

95. Mrs. PALLEY said that she wished to propose an amendment on which she had consulted Mrs. Mbono and the sponsors, in order to assist Mrs. Mbono in updating her working paper (E/CN.4/Sub.2/1991/47) and to ensure that material of great interest to other members concerned by the topic became available the following year. The phrase "and other relevant materials that may become available to the Sub-Commission.", at the end of operative paragraph 2, should be replaced by "and such other relevant materials as may be provided to the Secretary-General by non-governmental organizations or in the reports of other United Nations bodies."

96. Mr. ALFONSO MARTINEZ said that operative paragraph 2 posed a small problem as it involved the inclusion of a new item on the Sub-Commission's agenda. He suggested to the sponsors of the draft resolution that the topic might form a sub-item under agenda item 17, rather than a new agenda item.

97. Mrs. WARZAZI said that Mr. Alfonso Martínez's reservation could be taken into account by amending the beginning of operative paragraph 2 to read as follows: "Decides to include in its programme of work the question of the human rights dimensions ...".

98. Draft resolution E/CN.4/Sub.2/1991/L.38, as amended, was adopted.

Draft resolution E/CN.4/Sub.2/1991/L.50

99. The CHAIRMAN announced that Mr. Alfonso Martínez, Mr. Despouy, Mr. Heller, Mrs. Ksentini, Mrs. Palley and Mrs. Warzazi had also become sponsors of the draft resolution.

100. Mr. ILKAHANAF, speaking on behalf of the sponsors of the draft resolution, said that all members of the Sub-Commission were aware of the devastation caused in Somalia by tyrannical rule followed by a civil war, whose seeds had been sown during the 10-year long dictatorship. Somalia was a bankrupt in every respect and the situation was getting worse. He hoped that the draft resolution would receive the fullest support from the Sub-Commission.

101. Mr. GUISSE, speaking on a point of order, said that he thought that the discussion was closed and that the Sub-Commission was in the process of taking decisions. The issue had been discussed in a plenary meeting and he could see no point in reopening the debate.

102. Mrs. PALLEY said that Mr. Ilkahanaf should be allowed to speak on the draft resolution, which had the support of all the members of the Sub-Commission.

103. Mr. DUBAD (Observer for Somalia) said that his delegation supported the thrust of the draft resolution and was gratified by the Sub-Commission's interest in the situation in Somalia. It welcomed the importance attached by operative paragraph 1 of the draft resolution to urgent humanitarian assistance, which would be vital in stabilizing the situation in Somalia. In the third preambular paragraph, the draft resolution referred to the Djibouti reconciliation agreement, which was the most important development to have taken place in Somalia in the past seven months, and which had laid down the foundations for a broad-based Government, pending multiparty elections in two years' time. Finally, he said that his delegation hoped that the Sub-Commission would be able to adopt the draft resolution by consensus.

104. Mr. DESPOUY said that the remarks of the observer for Somalia showed his Government's desire and motivation to cooperate in order to leave behind the terrible situation of the past.

105. The CHAIRMAN said that in order to reflect the wishes of Mr. Ilkahanaf, the Sub-Commission could adopt the draft resolution by acclamation.

106. Draft resolution E/CN.4/Sub.2/1991/L.50 was adopted by acclamation.

Draft resolution E/CN.4/Sub.2/1991/L.53

107. Mrs. WARZAZI said that in view of the problems connected with the organization of the Sub-Commission's work and the study proposed by the draft resolution, she had consulted with the sponsors of the draft resolution who had indicated their willingness to postpone consideration of draft resolution E/CN.4/Sub.2/1991/L.53 until the Sub-Commission's session.

108. The CHAIRMAN, said that if there was no objection, he would take it that the sponsors of draft resolution E/CN.4/Sub.2/1991/L.53 wished to withdraw it.

109. It was so decided.

110. Mr. Türk took the Chair.

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (agenda item 11) (continued) (E/CN.4/Sub.2/1991/L.31)

Draft resolution E/CN.4/Sub.2/1991/L.31

111. Mr. KEILAU (Centre for Human Rights) said that the administrative and programme budget implications of the draft resolution would be issued in document E/CN.4/Sub.2/1991/L.66. The relevant costs were estimated at US$ 45,600 for 1992.

112. Mr. ALFONSO MARTINEZ said that in view of the number of sponsors of the draft resolution, it should be possible to adopt it without a vote. He would like to place on record that in view of the concerns recently expressed by Mr. van Boven, the question of studies required careful analysis. Barely three years earlier, the Sub-Commission had received the conclusions of a substantial report on the independence of the judiciary. It was strange that after so short a period a further report on the same subject should be required. Although he did not wish to question the wisdom of the higher bodies that had decided to request the preparation of a further report, there was reason to wonder whether it was necessary to give priority to that particular topic when studies on other topics were also needed. He was concerned by the subsequent fate of the Sub-Commission's studies, which the Commission on Human Rights or the Economic and Social Council blithely approved and which frequently led to the establishment of yet another international monitoring body. He wished to place on record his opposition to the creation of any new international monitoring body as a result of the report requested by the draft resolution.

113. Mr. van BOVEN said that when he had agreed to sponsor the draft resolution he had not been aware of the high level of its financial implications, and he requested a breakdown of them.

114. Mr. KEILAU (Centre for Human Rights) said that the estimated breakdown of the programme of work for 1992 was the following: one return trip of the Special Rapporteur to Vienna for consultations with the United Nations Centre for Social Development: five working days, travel and subsistence, US$ 2,900; one round trip of the Special Rapporteur to Geneva for consultations with the

Centre for Human Rights: five working days, travel and subsistence, US$ 2,300; consultancy services for four working months, US$ 22,000; temporary assistance for the same period, US$ 18,400, which gave a total of US$ 45,600.

115. The CHAIRMAN said that Mr. Guissé and Mrs. Palley had also become sponsors.

116. Draft resolution E/CN.4/Sub.2/1991/L.31 was adopted.

Discrimination against indigenous peoples (agenda item 15) (continued) (E/CN.4/Sub.2/1991/L.44, L.45, L.46, L.47, L.48 and L.51)

Draft resolution E/CN.4/Sub.2/1991/L.44

117. Mr. KEILAU (Centre for Human Rights) said that the administrative and programme budget implications of the draft resolution would be issued in document E/CN.4/Sub.2/1991/L.67. The relevant costs were estimated at approximately US$ 10,100 for 1992. He added that the additional cost in respect of conference services that might be required if the Economic and Social Council endorsed the recommendation for the Working Group to meet for one fully serviced week, and the estimated cost of publishing the Working Group's report were not yet available.

118. Mrs. WARZAZI noted that operative paragraph 11 of the draft resolution authorized the Chairman-Rapporteur of the Working Group on Indigenous Populations to attend the Conference on the Human Dimension at Moscow in September 1991. However, she pointed out that in order for her to do so, the Sub-Commission would have to abide by its procedure. Accordingly, she proposed adding the words "and recommends that the Secretary-General draw the present resolution to the attention of the Conference Secretariat" to the end of operative paragraph 11 after the word "peoples".

119. Mr. CHERNICHENKO asked whether any additional cost entailed by the Chairman-Rapporteur attending the Conference would be met by the United Nations or by the Conference's organizers.

120. Mr. KEILAU (Centre for Human Rights) said that the additional cost, covering five days' travel and subsistence, was estimated at US$ 2,800, subject to the availability of resources.

121. Mrs. DAES said that the Conference was so important that even if no funds were available, she would meet the cost of the trip herself.

122. Draft resolution E/CN.4/Sub.2/1991/L.44, as amended, was adopted.

Draft decision E/CN.4/Sub.2/1991/L.45

123. Mr. KEILAU (Centre for Human Rights) said that the administrative and programme budget implications of the draft decision would be issued in document E/CN.4/Sub.2/1991/L.68. The relevant costs were estimated at US$ 40,800 for 1992.

124. Draft decision E/CN.4/Sub.2/1991/L.45 was adopted.

Draft resolution E/CN.4/Sub.2/1991/L.46

125. Draft resolution E/CN.4/Sub.2/1991/L.46 was adopted.

Draft resolution E/CN.4/Sub.2/1991/L.47

126. Mr. KEILAU (Centre for Human Rights) said that the administrative and programme budget implications of the draft resolution would be issued in document E/CN.4/Sub.2/1991/L.69. The relevant costs were estimated at US$ 19,300 for 1992 and US$ 2,900 for 1993.

127. Draft resolution E/CN.4/Sub.2/1991/L.47 was adopted.

Draft resolution E/CN.4/Sub.2/1991/L.48

128. Draft resolution E/CN.4/Sub.2/1991/L.48 was adopted.

Draft decision E/CN.4/Sub.2/1991/L.51

129. Mr. KEILAU (Centre for Human Rights) said that the administrative and programme budget implications of the draft decision would be published in document E/CN.4/Sub.2/1991/L.72. The relevant costs were estimated at US$ 4,800 for 1992 and US$ 3,000 for 1994.

130. Draft decision E/CN.4/Sub.2/1991/L.51 was adopted.

Contemporary forms of slavery (agenda item 16) (continued)
(E/CN.4/Sub.2/1991/L.40, L.41, L.42, L.49)

Draft resolution E/CN.4/Sub.2/1991/L.40

131. Mr. KEILAU (Centre for Human Rights) said that the administrative and programme budget implications of draft resolution E/CN.4/Sub.2/1991/L.40 would be published in document E/CN.4/Sub.2/1991/L.63). The relevant costs were estimated at US$ 1,200 for 1991 and US$ 20,000 for 1992.

132. Mr. ALFONSO MARTINEZ asked Mr. Keilau to explain very briefly the administrative and financial implications of the draft resolution for 1991. In the case of some draft resolutions, there were financial implications for the current year while in others figures were only available for 1992, 1993 and even 1994.

133. Mr. KEILAU (Centre for Human Rights) said that the draft resolution would request a representative of the Centre for Human Rights to attend the Seminar on Trafficking in Persons and Prostitution, to be held in Strasbourg from 24-27 September 1991. The costs for 1991 represented the costs of travel and subsistence to allow the representative to attend the Seminar.

134. Mr. ALFONSO MARTINEZ asked whether the cost came under rule 28 of the rules of procedure. He also asked whether the same rule covered expenses for special rapporteurs. If such was the case, he would like to return to the question of the financial implications of draft resolution E/CN.4/Sub.2/1991/L.45, which had already been adopted.

135. The CHAIRMAN said that the matter raised by Mr. Alfonso Martínez would be taken up later.

136. Draft decision E/CN.4/Sub.2/1991/L.40 was adopted.

Draft decision E/CN.4/Sub.2/1991/L.41

137. Draft resolution E/CN.4/Sub.2/1991/L.41 was adopted.

Draft resolution E/CN.4/Sub.2/1991/L.42

138. The CHAIRMAN announced that Mr. Maxim, Mr. Yimer, Mrs. Palley and Mrs. Warzazi wished their names to be added to the list of sponsors.

139. Draft resolution E/CN.4/Sub.2/1991/L.42 was adopted.

Draft resolution E/CN.4/Sub.2/1991/L.49

140. Mr. van BOVEN said that a number of questions had been raised on the previous day on reservations to human rights treaties and in particular to the Convention on the Elimination of All Forms of Discrimination against Women. The question of reservations to human rights conventions required further consideration. Although the draft resolution singled out the question of reservations to the Convention on the Elimination of All Forms of Discrimination against Women, similar problems arose in relation to other conventions, to which some countries had made far-reaching and questionable reservations. He suggested that the problem of reservations was far wider than suggested by the draft resolution. Secondly, he pointed out that it was strange that the Sub-Commission should be making a recommendation for the Commission on Human Rights to consult the Committee on the Elimination of Discrimination against Women, without itself having consulted that body. In his view it would be wiser for the Sub-Commission first of all to consult the Committee, and he suggested that the draft resolution required further reflection.

141. Mr. EIDE, speaking on a point of order, said that in the light of the previous day's discussion, it was obvious that the draft resolution would give rise to controversy. Accordingly, he suggested that the Sub-Commission should first proceed to the adoption of those draft resolutions which posed no problems.

142. Mrs. WARZAZI said that the text of the draft resolution contained some rather contradictory elements. At their 3rd meeting, the States parties to the Convention had merely expressed concern that the reservations might not be compatible with the object and purpose of the Convention, as was mentioned in the eighth preambular paragraph. It was thus clear that States parties had not themselves decided on their position. Secondly, Commission on the Status of Women resolution 35/3 had limited itself to calling on all States parties to "make every effort to facilitate the implementation of the Convention". Lastly, she found the wording of the last preambular paragraph far too strong and even insulting, and thought that it was unlikely to persuade Governments to withdraw their reservations to the Convention.

143. Mrs. PALLEY endorsed Mrs. Warzazi's observations on the language of the draft resolution, for which she accepted responsibility, and said that she would accept the deletion of the offensive wording in the final preambular paragraph. She said that the 3rd meeting of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women had been held in 1986, before the possibility of obtaining an advisory opinion had been envisaged. A very powerful argument had been advanced in favour of encouraging ratification by States so long as they were able to protect their legal positions and their domestic law by means of reservations. Although she appreciated the sincerity of States when they made reservations, she did not feel that the very real problems relating to discrimination against women would be resolved either more quickly or more easily by encouraging States to ratify conventions with reservations that were so extensive that they undermined their very objectives and purposes.

144. The aim of the draft resolution was to request the International Court of Justice to pronounce on reservations that were not compatible with the objectives and purposes of the Convention. If States felt that they could not ratify the Convention, then internal pressure should be brought upon them to change their practices by leading women in the States concerned. She also emphasized that there were no legal barriers to the Sub-Commission making the request contained in the draft resolution.

145. Mr. van Boven had questioned the wisdom of addressing the matter without consultation between the Sub-Commission and the Committee on the Elimination of Discrimination against Women. In her view, it was pragmatically wiser and better for the consultations to be undertaken by the Economic and Social Council on the Sub-Commission's initiative, as the members of the Sub-Commission were independent experts who could place rather more distance between themselves and the Convention than the members of the Committee on the Elimination of Discrimination against Women, if CEDAW felt that the initiative was inappropriate, it would be able to halt it when it was consulted.

146. The suggestion that the problem of reservations extended far beyond the scope of the draft resolution was a very important one, and she emphasized that it was her hope that the draft resolution would set a precedent for an overall review of the problem of reservations to human rights instruments. Lastly, if the Sub-Commission took the initiative suggested by the draft resolution, it would thereby reassert its jurisdiction over all human beings, including women, about which doubts had been expressed since the establishment of the Commission on the Status of Women.

147. Mr. DESPOUY said that although he had agreed to sponsor the draft resolution he no longer recognized it. He felt that it would not be correct to ask the Commission to request an advisory opinion from the International Court of Justice, as the issue had already been debated internationally, and the parties competent to take a position on the appropriateness or inappropriateness of reservations to conventions were the States parties themselves. If the Commission on Human Rights or the Sub-Commission were to take a position on the issue, that would lead to an undesirable situation in which States that were not parties to a convention judged the conduct of States that were parties. He felt that an appeal should be made to States, but in another context, to be more demanding in the aims and purposes of

conventions. He hoped that the other sponsors would be prepared to agree that consideration of the draft resolution should be deferred until the following year.

148. The CHAIRMAN said that, if there was no objection, he would take it that the Sub-Commission wished to defer consideration of draft resolution E/CN.4/Sub.2/1991/L.49 until the following year.

149. It was so decided.

150. Mrs. PALLEY said that in order to facilitate discussions the following year it might be advisable for the Sub-Commission to inform the Committee on the Elimination of Discrimination against Women of its intention to discuss the matter.

151. The CHAIRMAN asked Mrs. Palley to make her request in a note.

152. Mrs. KSENTINI indicated that she had not spoken in the debate because, as Chairman of the Working Group on Contemporary Forms of Slavery, she had wished to safeguard the consensus that had obtained in the decisions reached by the Working Group.

The right of everyone to leave any country, including his own, and to return to his country (agenda item 19) (continued) (E/CN.4/Sub.2/1991/L.65)

Draft decision E/CN.4/Sub.2/1991/L.65

153. Mrs. KSENTINI said that in the earlier discussion on item 19 of the agenda she had expressed some apprehension at the fact that the Sub-Commission was inviting the Commission to set up an inter-sessional working group. Those reservations also applied to the similar invitation made in the draft decision under consideration, and she urged its sponsors to reconsider the second paragraph of the document.

154. Mr. ALFONSO MARTINEZ described the background to the draft decision, which was sponsored by all the members of the Working Group. The initial idea had been to promote consultation in order to continue efforts to elaborate on the draft declaration on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country prior to the forty-fourth session of the Sub-Commission. That idea had subsequently evolved and when the question had arisen of using funds from the human rights programme for the meeting, he had expressed his concern about the effect on other programmes, and in particular on the work of the special rapporteurs, in view of the limited resources available. Accordingly, he asked the representative of the Secretariat to inform the Sub-Commission whether the expenditure entailed by the requested inter-sessional meeting would have any impact under article 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

155. Mr. KEILAU (Centre for Human Rights) said that if the Commission on Human Rights approved the request to authorize the convening of the Working Group for an inter-sessional meeting, a statement on the administrative and programme budget implications would be submitted to the Commission.

156. Mr. ALFONSO MARTINEZ said that although that was undoubtedly the appropriate procedure, he would like the Secretariat to clarify from which source funds would be drawn if the draft decision was approved by the Economic and Social Council.

157. Mr. KEILAU (Centre for Human Rights) said that the Secretariat was not in a position at that stage to give the exact financial implications requested by Mr. Alfonso Martínez.

158. Mr. EIDE said that it was true that the initial idea had been to hold an informal meeting, without funding from the United Nations, in order to attempt to allay criticism at the slowness with which work on the draft declaration was proceeding. It had been decided that such a solution would be unsatisfactory. However, the draft decision was carefully worded so as to leave responsibility for deciding on the desirability of an inter-sessional meeting to the Commission.

159. The thrust of the draft decision was contained in the first paragraph, which invited the Commission to provide comments and guidance. If the Commission decided that there was no need for an inter-sessional meeting, the members might meet informally before the next meeting of the Sub-Commission, or during its next session, although in view of the 90 minutes allocated to it at the current session, he expected the Working Group to have a long future.

160. Mr. ALFONSO MARTINEZ said that in the light of the remarks made by Mrs. Ksentini and Mr. Eide and in view of the impossibility of determining the source of funding for the requested inter-sessional meeting, it seemed to him that the essence of the draft decision was indeed the request made to the Commission for comments and guidance. Consequently, he proposed that the second paragraph of the draft decision should be deleted.

161. Mrs. ATTAH said that the Working Group had faced a serious problem of lack of time which had impeded its progress. If no inter-sessional meeting of the Working Group was held, it would be necessary to allocate more time to it at the next session of the Sub-Commission in order to allow it to progress.

162. Mrs. KSENTINI endorsed Mr. Alfonso Martínez's proposal for the deletion of the second paragraph of the draft decision and suggested that in the last sentence of the first paragraph, the words "paragraph 15 of that report" should be replaced by the words "the report".

163. Draft decision E/CN.4/Sub.2/1991/L.65, as amended, was adopted.

The meeting rose at midnight.